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JOSEPH P. MCGLINN (1941-2000)

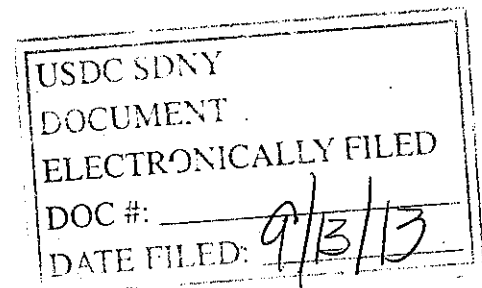
* ADMITTED IN NEW YORK & NEW JERSEY
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September 12, 2013

Hon. Cathy Seibel
United States District Court
for the Southern District of New York
The Hon. Charles L. Brieant, Jr. Federal
Building and United States Courthouse
300 Quarropas Street – Room 218
White Plains, New York 10601-4150

Via Fax – 914-390-4278 - *3 pgs*

Re: Bozella v. County of Dutchess, et al
No. 10 Civ. 4917 (S.D.N.Y.)



Dear Judge Seibel,

I am embarrassed to intrude upon the Court's valuable time in order to address an administrative issue which mature professionals should be able to resolve without assistance. Our associate (I am tempted to say "Senior Associate" – Ms. Ingram has been practicing law for twenty-four years) has been trying to resolve motion scheduling structures in this case with Senior Associate Ross Firszenbaum of Wilmer Hale – to no avail.

When we looked at the restructured schedule of September 4th we recognized, as did Peter Macdonald of Wilmer Hale, that it did not provide an equitable period of time for Wilmer Hale to respond to our summary judgment motion and to reply to our opposition to Wilmer Hale's motion for partial summary judgment. Wilmer Hale should have gotten 60 days; they were only allotted 45. Therefore, Ms. Ingram proposed to Wilmer Hale that they take an additional 10 days to answer/reply, for a total of 70 days.

There was a reason for Ms. Ingram's generosity. When she studied the real schedule, the schedule of life we all should like to adhere to, she noted that our motions might have an impact on important family holidays: Thanksgiving, Channukah and Christmas. Giving Wilmer Hale an additional ten days would ameliorate that impact.

If Wilmer Hale took until November 22nd to file their answer/reply we could then have the same 46 days we were allotted to reply. Our return date would then be January 7, 2014.

There was one more administrative issue that we could not resolve among ourselves. We had previously indicated that, if plaintiff's counsel intended to rely upon another lawyer's expert opinion in this case, we would move to strike that opinion. The Court gave us to our reply date to plaintiff's opposition to our summary judgment motion do so. Under our proposed schedule, that would be January 7th. The plaintiff's answer to our motion to strike would be due one week later, January 14th. We sought seven days to reply. Plaintiff's counsel refused to consent to this.

The plaintiff's proposed schedule has us filing our reply to their answer to our summary judgment motion and our motion to strike their expert's opinion on December 30, 2013. Since their opposition papers to which we would be replying would be due on November 12th, no adverse effect on plaintiff's counsels' personal lives would be effectuated. But, a December 30th reply date for our papers would have an adverse impact on our significant end of the year family celebrations (and I do not include New Year's Eve in that).

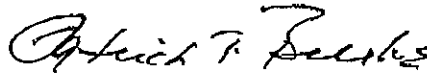
We therefore ask the Court to structure our motion schedules as Phyllis Ingram has proposed to plaintiff's counsel.

Proposed Schedule

November 22, 2103:	Plaintiff's Answer to Defendants' Summary Judgment Motion; Plaintiff's Reply to Defendants' Answer to Plaintiff's Motion for Partial Summary Judgment;
January 7, 2014	Defendants' Reply to Plaintiff's Answer to Defendants' Summary Judgment Motion; Defendants' Motion to Strike Plaintiff's Expert's Opinion
January 14, 2014	Plaintiff's Answer to Defendants' Motion to Strike Plaintiff's Expert's Opinion
February 21, 2014	Defendants' Reply to Plaintiff's Answer to Defendants' Motion to Strike

There is no reason we can perceive that we should not proceed upon this civil, civilized schedule. We ask the Court's approval of it.

Very respectfully,



Patrick T. Burke

PTB:vc

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